

A.No.4958 of 2018

in

C.S.No.552 of 2015

C.V.KARTHIKEYAN J,

This application has been filed seeking to condone the delay of 83 days in filing application to restore the suit in C.S.No.552 of 2015.

2.The suit was dismissed by order dated 11.12.2017, on the ground of non-prosecution. Notice was directed to the respondents / defendants. It is stated by the learned counsel for the plaintiffs that the matter had been referred to the learned Master for completion of service and the learned counsel had to take paper publication to finally complete the service.

3.When the matter had been posted before this Court for the reasons best known, counsels who entered appearance on behalf of D1, D2, D3 and D4, stated that they have given change of vakalat.

4.It is incumbent on the learned counsels to inform the respective parties that such an application had been filed since, the learned counsel for R1 and R2 had received the copy of the Judges summon and the affidavit on 03.04.2018 itself and there is an endorsement in the Judges Summon with respect to that.

C.V.KARTHIKEYAN.,J

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5.In view of the fact that, the application cannot be kept pending, particularly when it had been served on the counsel, at which point of time they had not withdrawn the vakalat, I hold that the application is to be allowed and the delay is to be condoned.

6.List the matter, when application is numbered to restore the suit on file, if it is otherwise in order.

22.09.2020

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